

HOUSE JOINT RESOLUTION 855

By Moore

A RESOLUTION relative to public uses of the State Capitol for non-governmental activities.

WHEREAS, Tennessee Code Annotated, Section 4-8-302, charges the State Capitol Commission with the duty of establishing policy governing the use of the public areas of the State Capitol for non-governmental activities; and

WHEREAS, such non-governmental uses are limited to civic, cultural, or educational activities or activities that involve public expression, including rallies, protests and sit-ins; and

WHEREAS, the State Capitol Commission's policy governing the use of the State Capitol Building and grounds for non-governmental activities reads in part:

"The State Capitol Building and its grounds may be used for non-governmental activities so long as such use is not destructive to the fabric of the Capitol Building or its contents, does not interfere with the official business of the State which is conducted in the building...." ; and

WHEREAS, in establishing such policy, the State Capitol Commission has rightly recognized the need to preserve and protect the dignity and historical ambience of the State Capitol Building and grounds; however, it has become apparent that such policy does not address the parameters for the conduct of rallies, protests, or sit-ins with sufficient specificity; and

WHEREAS, it is imperative that the constitutional rights of speech and assembly be preserved for the citizens of this great State, but it is also important to note that the State Capitol's primary function is to house State offices and employees for business purposes, and that like any other place of business, the hours the State Capitol is accessible to the public are limited; and

WHEREAS, thus, it is incumbent upon State government to assert its responsibility to preserve order among visitors to the State Capitol Building and grounds and to keep persons from improperly using or occupying the various offices and rooms in the State Capitol Building; and

WHEREAS, a compromise must be struck to guarantee the constitutional rights of speech and assembly for our citizens, while also ensuring that the important business of the State of Tennessee moves forward unimpeded; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FOURTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that this General Assembly does hereby request the State Capitol Commission to promulgate and enforce additional policies and procedures governing the conduct of rallies, protests, and sit-ins at the State Capitol Building and grounds. Such policies and procedures should address with specificity the time periods and public areas that are available and appropriate for the conduct of such non-governmental activities at the State Capitol Building and grounds and the parameters for what conduct by a person or persons constitutes legal use or legal occupancy of the State Capitol Building or grounds.

BE IT FURTHER RESOLVED, that an enrolled copy of this resolution be transmitted to the State Capitol Commission.